Appeal No 99 of 1894 95-t

Appellant - Muddaranga Chetti
of Nagadi

Appeal against the re-
sumption of the Khara b -
forming the bed of a small
breached tank, called Sam-
bankalle, which, by order
of the Deputy Commr, Col:
Macintire dated 7th March
1888, was granted to the
Appellant for cultivation
temporarily subject to the
condition that Appellant
should relinquish the land
without compensation when
the repair of the tank is
undertaken.

The facts relating to the
grant of the land in 1888 are:-

The tank had breached
and was in disuse from a
time beyond living memory
It was not given a place in
the Register of tanks. The bed
had silted up and was
capable of retaining no
During the rainy seas
water was flowing
the bed, but report to the

The Dy Commissioner
does not dispute
that it could
be restored. The
revetment of the
bund has disappeared
and probably the
Kalyani which
has been built takes
up all the water
which used heretofore
to collect in the bed
of the dilapidated
tank. Also the
Survey Supt says
that their Survey
numbers were de-
pendant for irrigation
on this water yet
the actual real fact
that it has been so
in practice has not
been ascertained -
The Rayavachakaru
says that the water
of Kalyani is capable
of irrigating a large
extent of land - If
such be the case the
owners of lands
adapted as well as
with the assurance
of irrigation from

y use to any land.

At the Survey Settlement the bed, the bund and some lands below the bund measuring 6-35 gunlas were formed into one Survey No, viz 18, the bed and bund measuring 4-20 being treated as Kharab, and the lands below classed as dry and wet viz

dry 2-13 (acre gunlas) assessed at Rs 2-8-,

wet 4-22 (acre gunlas) assessed at Rs 16-8-.

The lands below were however lying unoccupied since the Survey Settlement as it is stated the soil is chowlu.

The bund could have been repaired at a cost of Rs 100, but the villagers said they did not want the use of the tank.

2. On 17-6-87, the Appellants son applied for the bed being assessed and granted to him. As the bed formed a portion [illegible] assessed Survey No which [illegible] contained some trees, the [illegible] ordered the sale [illegible] number 18. Sale [illegible] November 87.

with the water to [illegible] would seem to be entitled to the [illegible] water. And [illegible] that water is used for [illegible] purposes. [illegible] -cessary where the [illegible] found that the [illegible] water is collected [illegible] the land where [illegible] subsequently [illegible] or wet there [illegible] no revenue would [illegible] -vernment is [illegible] and assessment [illegible] Settlement's [illegible] has also been borne in [illegible] that the [illegible] has [illegible] the repairs [illegible] Sctr objected [illegible] did not own [illegible] the land [illegible] bunds [illegible] & the [illegible] bund [illegible] the Sctr [illegible] self-

P.F. 57 of 97

G. R. S. IX-5]

Previous references. 1894–95 ~~191~~ . (L.R.)

File No. 91 of 94.

Serial Nos. 1–12

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–12.

In ~~Part~~ B for April 1898.

SUBJECT.

Complaint of Muddaranga chetty regarding the Resumption Lands in the bed of Shambana Katte, Kalari village in Mangalore Taluk.

W D 1250—GPB—30,000—28-1-19

contempted

Undated

Exemption of Mr Land under the circs does not seem quite right. The whole record will be sent back to the Dy Com for a further report & submitted in view of the above remarks - A responsible Mukt should be appointed in the Dooms and a proper and reliable person formed after enquiry & report submitted.

12/6/95

Mukt

re 26/ drafted

JWR 28/6

after publication of a Proclamation on 21st March, but people did not come forward to bid, as it was the reaping season and the Rakhastaur too did not care to attend the sale. The appellant stated that he desired to have only the land, and not the land on the Embankment which he included in his Pe. The Amildar wished to have a Mahazar, and on 3rd December 1887 ten of the villagers including Patil and Shanbag gave a Mahazar stating that they had no objection whatever to the land being granted for cultivation and the Shekhdar stated that there were no trees on that portion. One Annamanni Setti holder of some lands in the neighbourhood sent a petition on 12-12-87 praying that the tank-bed in question might be sold in auction, as he wished to bid for it. The Petition was filed, and on 22-2-88 the Amildar submitted a report to the

Deputy Commissioner mentioning the condition of the lands and the lands below and suggesting that either the bed may be permanently assessed by the Survey Department and granted to appellant or that it might be granted to him for temporary cultivation at the dry rate in the neighbourhood - Colonel Macintire, by his order of 7-5-38 approved of the latter course and accordingly the land was assessed at Rs 1-6-0 per acre and granted to appellant conditionally under a Muchalika obtained from him under date 19-4-38

3. On 1st March 1939, the appellant submitted a petition representing the worthlessness of the land and the need there was for a good stone-faced Kalyani and asked for the stones of the bund for the use of the Kalyani he intended to build. The Amildar supported the application and stated that it was

was expedient that the
lands had granted to appellant
should be defined, demarcated,
made into a separate
number and brought
on the Chiarboard. With
the consent of the Executive
Engineer (vide his docket
No 1912/686 dated 4-6-91 appended
hereto) the stones (1100 in
number) were sold to the
appellant at Rs 5 per
thousand in August 1891.
Upon a reference to the
Survey Supdt about
numbering and describing
the land in question, it was
found from the Survey records
that the tank, as it was,
was supplying water upto
end of December, to the wet
portion of No 18 referred to
above and to lands Nos
15, 21 & 22 classed as wet
on that account; and
accordingly the Survey
Superintendent did not
approve of the Head, Dry Nanjey
tank had being accessed

7

was correct & declined to interfere. (6-8-94)

The appeal Petn presented to Govt is in English & is appended.

The Honble Mr Chentsalkar Secretary in ordering the Proceedings to be called for, directed that the Chief Engineer should be asked whether the tank in question was required to be maintained & what was the area it was capable of irrigating. The Chief Engineer's reply is appended.

Subd to the Rev. Councillor

BR 21/6

The further report called for has been submitted by the Dy Conservr He states

1° That it is not worth while to restore the Katte

2° That the Kalyani does not intercept the water-supply to the Katte

3° That he agrees with the Sub Dn Officer in thinking that the tank does not require repairs for wet cultivation

The Sub Dn Officer has written a clear report after personal inspection

Sub D 2nd Councillor

WM 26/11/94

For [illegible]

(27-

Mr Ross Smith

Here is one point which has not yet been clearly elucidated - Mr Lyttelton's papers state that because his accounts showed that the water charged therein was irrigated on land? - What about this fact? does it still exist? If the boys given away what is become of their lands & to how are they to be irrigated?

30-1-27

29/1/27 WMS

IVB

Mr Cotton Mr Thwaites or Sinclair into the facts of the case with a view to superficial

Solr Gen a memo 30-1-27

Draft docket to Dy Comr & get the regd info in Comr with the survey Supt's M 30/1

Dft to Robertson 1.

(27-10-91). The Amildar thereupon solicited orders as to what should be done with the land and whether it should be removed from petitioner's khalé. The Sub-Division officer, in making further enquiry, ordered that the stones should not be removed, but the Amildar reported on 14-1-92 that the stones had already been removed, and used for the Kalyani. The Sub-Division officer Mr Raghunatha Row thereupon ordered on 8-2-92 that a report should be submitted as to how much water, if any, would remain in the khalé during the rainy season, and that if convenient, the spot claimed be shown to the Jamabandy officer and his opinion obtained. Accordingly Mr Raghavachariar ~~Row~~ inspected the land on 17-2-92 and ordered his ~~re-inspection~~. His order which is in English is appended.

On appeal to the Commissioner that the said order

10.

Survey Supdt's No. 561 dt.
22nd Feb 98.

Rec'd 7 PM
3/3/98.

Sub:-

Understand
the facts to be as follows
The Katte is formed
of stream, & the water
which was finding
its way outwith now
enters the Kalyani
The lands defendant
upon the old Katte
would now be irrigated
from Kalyani -
If this is feasible
the bed of the old Katte
might appropriately
out for cultivation
- The local action
was hasty, and
ill-considered - The
Katte ought not
to have been interfered
with except under
proper authority

22.3.98

22.3.98

Dy. Commr.

Prov 14/2/98 26/3/98 26/3/98

Prov 29.3.98

9

The further report has been received

The Survey Supt Stalé (in his 3 award & 153 (com) that he is not in favour of awarding the Katte on the ground (1) that at the time of Classification Nos 15, 21 & 22 were classed as wet on account of the Katte being considered as the source of irrigation (2) that though at present it may not irrigate the Lands mentioned, the ~~the Survey Tahsildá~~ source of irrigation has been permanently fixed & cannot be altered now (3) and that Govt have directed that the beds of tanks should in general not be assessed. The latter reason does not apply to this case as the tank is not in action

29/11/19

4 (1)

Gen. Serial No. 32.]

139

Submitted to Council
Stamp Department
Ref. time 2 M. 33 days.
Reply. The delay occurred in
obtaining parties and that
there was delay in filing the
Appeal is therefore
time barred.
28/12/24

L.R. 41-94-1

No. 1728

Name of Petitioner. Chidambaram Chetty

Village. Muddaranjaccatti

Taluk. Mayadu

District. Trichinopoly

Date of Arri. 16-12-24

Date of Receipt. 20-12-24

Date of Disposal.

No. of Enclosures. Two

Call for Rec:—
also ask R. Chief
Engr, whether R. Dam
in question is required
to be maintained, & if so
how it is capable
of irrigating? HL
8/2/25

Drafted
S.V.R.
9/2

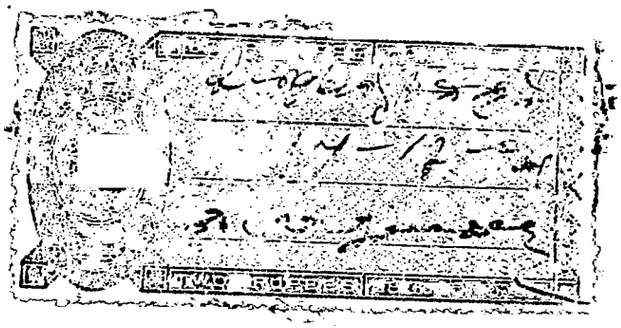
ABSTRACT.

Mr. Chidambaram, advocate
presents an appeal on
behalf of one Muddaranjaccatti
of Mayadu against the
order of the Deputy Commr
stating that he cannot
interfere with the orders
passed by the Sub-Divisional
Officer in connection
with the resumption of
Survey No 18 in the
bed of Shambankattai tank
of the Kadai village.

The Petitioner appeal

and the orders passed 12
by the Sub-Division officer
are in English —

13



ಕೋರ್ಟಿಗೆ.

ಸಕ 1894-ನೇ ಇ ಸ ವಿ ನಂಬರ್

ಕ್ರೀನಾಗಿ.

ಮಾನ್ಯ ಎಚ್. ಚೆಲ್ಲಪ್ಪಯ್ಯಂಗಾರ್ ಬಿ. ಎ. ಬಿ. ಎಲ್. ಹೈಕೋರ್ಟ್ ವಕೀಲರವರಿಗೆ.

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನೆನರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಆರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು ವಿವಾದಿನಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ. ಬನ್ನೂ ನುತ್ತು ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರಿ ಹೊಯಿಲಗುದನ್ನೆಲ್ಲವದು ವಸ್ಗೈರೆ ಹೆಗ ದುಕೊಂಡು ರಟೀನಿ ಕೊಡುವದಕ್ಕೂ ಸದಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಇದ್ದರಿಂದ ತಾವು ನನ್ನಿ ಹೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ.

ತಾರೀಖು 16ನೇ ಡಿಸೆಂಬರ್
ಸಕ 1894 ನೇ ಇಸವಿ.

ಸಹಿ

ಆಂಗೀಕರಿಸಿ ಇರುತ್ತೇನೆ.

ಸಹಿ

16 ಡಿಸೆಂಬರ್ 94

ಈ ಮೊಕದ್ದಮೆ ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರು ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿ ಇದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಾನು ಸರಟಫೈ ಮಾಡಿದ್ದೇನೆ.

ಸಹಿ

ಬೆಂಗಳೂರು ವಿಚಾರ ಸರ್ಕಾರ ಪ್ರೆಸ್‌ನಲ್ಲಿ ಮುದ್ರಿಸಲ್ಪಟ್ಟಿತು.-1894

the Land, when the tank was to be repaired.

4. That the said grant of the land subject to it's being resumed when the tank was repaired was recommended by the Salt Auditor, and was duly sanctioned by the then Deputy Commissioner on the 7th of March 1888.

5. That your Petitioner subsequently got a pond constructed in the tank bed at a considerable cost with the previous sanction of the Authorities.

6. That the Sub Division Officer also admits that the said pond is a good work of charity.

7. Your Petitioner undertakes not to use the water of the said pond for irrigation purposes, as it would defeat his object which was one of Charity.

8. Your Petitioner begs leave to state that the Sub Division Officer has by his proceedings

Rec: 14/12/94

14

2 1778 In the Court of the Revenue of Mysore, at Bangalore.

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REGD. NO. 1778/94
20-12-94

Revenue Petition No: 1884-85.

R.L. 99 of 94-95

Petitioner. — Madaiaranga shetty of Hagadey, Magady Taluq, Bangalore District.

The Petitioner above named begs to state as follows:—

1. That the so called tank situate in Kalaritittaya, Sathnoor Hobli, Magady Taluq has been out of repair for the last 50 years or more.

2. That the tank bed, which bears survey No: 18 measures 6 acres — 35 guntas of cultivable land, and 4 acres — 20 guntas of Kharab land.

3 That your Petitioner was granted the Kharab portion of the said land on the understanding that the Government should have full liberty to resume it.

17

most respectfully prays that
this Honorable Court may
be graciously pleased to
set aside the orders of
the Sub Division Officer, and
the Deputy Commissioner,
and pass orders for the Confirmation
of the grant which was made
and duly sanctioned about
7 years ago.

Bangalore
16th December
1894

Advocate for
Petitioner

dated the 23rd of February
1894

Cancelled the grant, which
was made about 7 years ago
under the then Deputy Commissioners
Proceedings dated the 7th of
March 1888; and that the
order of the Sub Division
Officer has been confirmed
by the present Deputy Commissioner

9. Your Petitioner begs to add
that no inconvenience is caused
to any body by the grant of
the land as a temporary tenure,
subject to it's being terminated,
when the Government are pleased
to direct the resumption of the land.

10. Your Petitioner further begs to
state that he could not file
this petition earlier, as he was
badly suffering from rheumatic
pains.

11. Your Petitioner begs to annex
hereto the certified Copies of
the orders of the Sub Division
Officer, and the Deputy Commissioner

Your Petitioner therefore

2 drafts

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

L.R. 91—94—2

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1778

dated 6 Dec 1894 received at the

Dewan's Office from ~~Secretary to Government, Bangalore~~ Muzaraya Inamdars, Hagalavadi, complaining against the resumption of Survey No. 19 in the village of Chanbasappa Gowda, Halakere village of Hiriyur Taluk

is forwarded, together with its ~~one and two~~ enclosures, to the Asst. Commr Bangalore District for submission of the entire proceedings connected with the case.

2. The petition and its enclosure should be returned

By Order,

Draft

for Chief Secretary.

BANGALORE, 8-2-1895.

20.

S.K.R. 9/2 9/11/2

M.G.P., Bangalore.—3-5-94.—1,000.

Grant order

19

Gen. Serial No. 31.]

189

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

proceedings as recorded in
proceedings from the Commr
18/4

(4)

OFFICE
13092
6 APR. 95

1895 Pet 5-35

MYSORE P. W. DEPARTMENT.

No. 1561

L.R. 91-94-4.

From

The Chief Engineer
of Mysore.

To

The Chief Secretary
to Govt. of Mysore.

Dated Bangalore 4th April 1895.

Despatched

Enclosure No.

SUBJECT.

Informing that the
tank known as Shambanka
is reported to be an
insignificant tank
& the Govt have nothing
to do with its restoration
under the circumstances
reported. —

P.S.W.
5/4/95
Rec
6/4

Mysore Govt. C. P. Bangalore.—10-9-92—1,000.

To 2 drafts (2)
District Engineer
in Charge

Dated.

No. 12732
Feb. 1869

L.R. 91-96

Dated 8-2-95
Resp: 20

Sir I am directed
by the Secretary
of War to inform
Engineer
you that he has
approved the
Report and Plan
of Improvement
of Kalamazoo
Harbor, Michigan
Lake Michigan
and
a long time is required
for the maintenance and
Work
depth of 18 feet
capable of navigating.

By order,

Draft

1/16 13/2/95

Chief Engr

PMR 13/2

Of 13/12

22

MYSORE P. W. DEPARTMENT

No. 1561

CENTRAL OFFICE,

Bangalore, 4th April 1895.

From

The Chief Engineer of Mysore,
Bangalore.

To

The Chief Secretary to Government
Bangalore.

SIR,

With reference to your No. 12732 P.W.D. of 5th February 1895 enclosing a letter the Local Fund Sub-Committee in Kunni Village, Coimbatore Taluk, Angadipuram Local, is requested to be maintained, and what area it is capable of irrigating, I have the honour to inform you that the work is reported to be an insignificant entry (now in a dilapidated condition) with a drainage area of 1½ Sq. Miles, and a capacity of 2 cusecs, which may be

24 (5)

Gen. Serial No. 31.]

189

15116

Pet. 623

From The Dy Commissioner Bangalore District

To The Secretary to the Govt ~~Dewan~~ of Mysore.

Dated 8th

Despatched 9th May/95

Received

Enclosures—No. 1 file

General No.

No. 1335.

The Chief Secretary's Memo No Pet 1168 dated 8th February last, forwarding a petition from Muddaranga-setty of Nagadi, complaining of the resumption of Survey No 18 in the Kalari village, Nagadi Taluk.

In returning the enclosures of the above, has the honor to submit the entire proceedings of the case.

M Krishnaswamy

for Dy Commissioner

Pet

the sufficient for the irrigation of 21 acres of land. The revenue will therefore be less than Rs 100/-

7. Under existing rules, Government have nothing to do with the maintenance of minor tanks, yielding less than Rs 500/- revenue, but if Ryots do all the earthwork required to bring land to standard, Government will attend to the masonry and stone work required.

Have the honour,
Sir
Your most obedient Servt
M. V. Sutcliffe
Asst Engr Superintending Engineer
Chief Engr
Exec. Engr

25

Gen. Serial No. 31.]

189

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

Order thereon:— Re 25045
& 28.6.95 — P. 1958

The Dy. Commr's order does not prima facie show that it could be supported. The revetment of the bund has disappeared and probably the Kalyani which has been ~~excavated~~ built takes up all the water which used heretofore to collect in the bed of the dilapidated tank. Although the Survey Supt. says that these survey numbers were dependent for irrigation on this water yet the real fact that it has been so in practice has not been ascertained. Mr. Raghavacharlu says that the water of the Kalyani is capable of irrigating a large extent of land. If such be the case the owners of lands claimed as wet with the assurance of irrigation with this water would seem to be entitled to the Kalyani water. And yet Mr. Raghavacharlu interdicts

that

that water being used for irrigational purposes. The apparent inconsistency in this proceeding should be explained. If, after enquiry, it is found that the Kalyani water is capable of irrigating the lands which the survey dept. says, have been classed as wet, there seems to be no reason to keep the surrounding land as kharab and resume it from the Petitioners holding. It has also to be borne in mind that the condition on the happening of which viz the repair of the tank, the petitioner agreed to give up the land, did not occur. On the other hand this repair has been given up and the stones of the bund sold by the Petitioner himself. The resumption of the land under the circumstances does not seem quite justifiable. The whole

record

Papers of the Govt. of Kenya

(6)

L.R. 91-94-6.

Read:-

Petition registered as No: 1778 dated 18th Dec. 1894 from Kandaranga Letty of Nagary, Barsa praying for the renewal of his lease No: 18 situated at Kandaranga Land, Nakuru District on the Nagadi Falls on the Ngiria River in Lumbwa be maintained.

Application against the Dy. Comm. under declining interference with the Kandaranga Chiefs order directing

2. Letter No: 1561 dated 4th April 1895 from the Chief Engineer & Deputy reporting that the land is unimproved. Rate valuation Rs 300/ & that under the existing rules Govt. having nothing to do with the maintenance of such mine tanks.

3. Letter No: 1335 dated 8th May 1895 from the Dy. Comm: Ravine District intimating the circumstances connected with the case.

Order

30

557/95

(9) 1896-97. No. 4874

Pet 460

From The Dy Commissioner.
Bangalore District.

To The Secretary to the Govt of
Mysore.
Genl & Rev: Departments.
Bangalore.

Dated 18th } January 1897.
Despatched 22nd }
Received
General No.
D No. 732

Enclosure No. 1 file

In reply to Govt order No.
25045 dated 23rd June 1895.
Pet: 1958

Submits further report re-
garding the bed of the Shambana-
Katte tank in Nagadi Taluk
& recommends the same being
given to one Muddarnaya Shetti
for cultivation.

Pet Branch
23/1

Submitted with reference to the Revenue Councillor's order of 22-6-95 on the same

27/1/97

2nd Councillor
Fee - Note

28/1/97

Y. R. 91-94-7.

Pet. Branch
23/1

Secy
25/1

Dy Secy
27/1

record and be sent with
Dist. Mg. Comm. for a
further report being
submitted in view of
the above remarks. A
responsible officer should
inspect the locality in
company with an officer
of the P. W. D. and a prop
and reliable opinion
formed after such
local inspection and
necessary investigati

28/6

Draft
R.C.'s dtd. 9/VI Revenue Dept.

To The Dy. Commissioner
Bangalore District

S.W.R.
28/6.

D. No. 732
Suit file

From The Commissioner's Office
Bangalore Dated 8th January 1897.
22nd

To The Secretary to the Govt. of Mysore
General and Revenue Depts.
Bangalore.

Sir,

With reference to Government Order No. 25545 dated 23rd June 1895, Pet. 1958 requesting a further report regarding the bed of the Shambanakatte tank in Magadi Taluk, I have the honor to state as follows:—

2. The pond or Kalyani in the bed of the tank referred to was built for Mantade Gowdas at his own expense by one Maddanangachetti. Most of the burnt stones used therefor were obtained from the adjacent quarry and they were supplemented with a few hundred stones belonging to the Merchant of the ruined tank.

3. The cattle of the adjacent villages are watered at this pond as no other water is available within

easy distance.

4. The pond is small, and is situated on a higher level, depending for its springs on the high ground to the east of it, but it is said to be incapable of irrigating even an acre of land in hot weather. It cannot be said to draw away any water from the tank bed for the simple reason that no water stands therein even in the rainy season on account of a clean cut or channel in the bund, paved with stones to drain it off.

5. As regards the tank itself it is reported to have been in a very dilapidated condition for upwards of 20 or 30 years. The bund has no high width, nor any revetment in front except some stones lying here and there the average height no where exceeding 3½ feet above its bed. It is therefore not worthwhile restoring it.

6. The English rights of the Sub Division officer Uzhpet and the

32
34 1897 (10)

L.R. 91-94-8.

From The Secretary to the
Govt of Mysore

To The Deputy Commr
Bangalore District

Dated 6th
Despatched 12 February 97.
Received
General No. 7123—
P. No. 1274.

Enclosure No. IV. file.

His letter No. 7328 18/1/97 submitting the further report called for in Govt Proc No. 25045 P. 195 of 28th June 1896, regarding the bed of the Shambana Katte tank Magadi Taluk.

With reference to the above has the honor to observe that the Survey Superintendent declining to assess the bed referred to above on the ground that his account showed that the water collected therein was irrigating some lands, is not clearly elucidated, and to request that the Dy Commr will be so good as to

to communicate with the Survey
Supdt and furnish this office
with further information regarding
this fact also stating whether the water in the Kal
still exists. The Deputy Commr
is further requested to state,
if the bed is given away for cultivation
what is to become of the lands
dependent upon it for irrigation
and how they are to be irrigated.

#

2. The Vernacular records
connected with the case are
herewith returned for reference
and resubmission.

By order

For Secretary

Cr

Draft

Bbn
6/2/99.

Assistant Engineer who inspected the same are in the accompanying file and I concur with the Sub Division Officer in thinking that the Govt land may be given to Maddalenza Ghetti for cultivation.

I have the honour to be,

Sir,

Your most obedient servant,

[illegible]

for Dy. Commissioner

25-11-97

Gen. 31]

REVENUE DEPARTMENT
Gl. No. 3628
Pet 277
28 NOV 97
1897
REVENUE OFFICE

From The Dy Commissioner
Bangalore District

To The Secretary to the Govt of
Mysore,
Genl & Rev Departments.

Dated 19th November 97.
Despatched 22nd — Do —
Received

General No.
No. 659.

Enclosure No. Petition of Ramiah
Camp dated 7th 25 of
6th Feby 1897 & reminder No
528 of 19th Augt 1897.

I submit further report
in regard to assessing
the land of the Sambenakatte
tank in the Jayanagar Palace

Petition M
23/11/97

25-11-97

Retd [illegible].

AK
25/4/97.

[illegible]
Dy Commr Bangalore
25/11/97

Submd to Lt Council.

Mc ci (and D)
29/11/97

R.D 6 Rn.
1.12.97

Mr Kattekatte as it is [illegible] no water & is of no use for irrigating any land under it. & in this respect all the local officers are agreed while the Head of the Works certain material [illegible] renewal. & [illegible] under these circumstances the reasons for [illegible] the land seem to be inadequate.

[illegible] 17/12/97 Put this out with 3 Supl & Judgment & [illegible] any addl reasons [illegible] I shall be glad to consider them. Otherwise the land may be [illegible] 11/12/97

at present, 3698 irrigate any lands below it, that these lands have, for a long time, not been dependent on the Katte or tank water for wet cultivation and that the tank-bed may be given out for cultivation (vide Amildar's report No 991 of the 5th June/97 and No 424 of the 31st March 1897 to the Closepet Sub Division Officer)

4. The vernacular records are all resubmitted herewith.

I have the honor to be,
Sir,
Your Most Obedient Servant.
W. Stanton Lancraft
Dy Commissioner.

Vrs

Bangalore District.
Dy Commissioner's Office.

D. No 659.
En: 1 file.

Bangalore 19th December/97.
22nd

To,

The Secretary to the Government
of Mysore,
Gen'l & Rev Departments.

Sir,

In reply to your Docket No 7125
P. 1274
of the 6th February 1897, and Reminder
No Pet/523 of the 19th October 1897, calling for
further information in regard to the
bed of the Sambanakatte Tank in the
Magadi Taluk, I beg to states as follows:-

2. The Survey Superintendent, who
was consulted in the matter, states, that,
as at the time when classing operations
were conducted the water of the tank
was utilized for cultivating the lands
below it, these were assessed at wet
rates and that he sees no reason to
differ from the opinion already expressed
declining to assess the bed in question.

3. The Amildar of Magadi states
that the water in the Katte does not,

37 (15)

I.R. 91-94-9.

Proceedings of the Court of Mysore

Read:-

Petition No. 1778 dated 16th December 1894, from Muddaraya a Setti of Nagadi, appealing against the order of the Dy Comr Bangalore Dt. directing the resumption of S.No. 18 in the bed of the Shamshankatte tank, Kalasi village, Nagadi Taluk, on the ground that the said tank should be maintained

2. Letter No. 186/dated 4th April 1895, from the Chief Engineer in Mysore, reporting that the tank is an insignificant katte yielding a Revenue below Rs 300/- and that

under

at the time when the last assessing operations were conducted the water of the lands was utilised for cultivating the lands below it which were therefore assessed at the usual rates.

4. The records of the case under reference P. 53-90-92 P 778 of 21st December 1897 22.

The bottle, as it is, holds no water and is of no use for irrigating any land under it. In this respect all the local officers are agreed; while the head of the Public works Deptt is certain that it need not be restored. Under these circumstances the reasons for not assessing the land

Seem

seem to be inadequate.

The attention of the Supdt is invited to the above and he is requested to urge any additional reasons if he has any in the matter which Govt will be glad to consider.

& otherwise the land may be assessed

for Secretary

16/12/97

To.
1. The Deputy Commr Bangalore Dist with records —
2. The Supdt, Rev. Survey.
3. Chief Engineer for information.

40

Unless the Survey Supdt has any additional reasons to urge which the Govt will be glad to consider, the land may be duly assessed & the pattas issued

18/12/97

+ records

22-12-97

under the act in being rules, the Govt have nothing to do with the maintenance of such minor tanks.

3. Correspondence ending with letter No 685 dated 19th November 1897, from the Dy. Comr Bangalore Dt, recommending the grant of the said No to Hundavanje Kelli (the petn) as the inhabitants have represented that the cattle there now at present migrate any lands below it and that the bed may be given out for cultivation as the lands below it have now been for a long time dependant on the tanks or little water for such cultivation; and stating that the Survey Supdt has declined to assess the bed in question on the ground that at the time

L.R. 94-95-90-

Gen. Serial No. 30

612
Rev 45

From

The Chief Secretary to the Govt
Dewan of Mysore.

To

Rev. Dy. Secretary

Dated 22nd February 98

Despatched

Received

Enclosures No.

General No. 561

No.

In reply to Govt Proc. No. 5590-92 of 97-98

SUBJECT. 21-12-97

Submitting opinion on the subject of assessing a katte called Shamlian katte originally representing "Pot Kharab" out of survey Nos. of Kalani village Nagar Taluk

References—(to be entered only in the Dewan's Office).

(Petition)
11/97

P.L. 57 of 98 on the subject is put up

AK
28/2/98

submitted as requested
vide 1st & 2nd orders dated 8th
Council letter No. 659. (Land Revenue)

28/2/98

Under Sec. 48 of the Bombay Irrigation Act of 1879 which is an expansion of the latter clause of Sec. 53 of the L.R. Code about which there is some doubt in interpretation) a land is assessed with water-rate if it is within 200 yards of any canal & receives by legislative an advantage equal to a direct benefit. The Bombay Govt has perhaps this in view when he ordered that this advantage should be exacted from the holders of the wet-lands under the Katte Bund which has been found that the katte holds no water. There does not appear any condition found from the holders of these lands.

Sd/- D. Rt Commissioner

3/3/98

Rec. 7th
3/3/98

Survey Superintendent's Office

No. 561. Bangalore 22nd February 1898.

To,

The Secretary to the
Govt. of Mysore General
and Rev. Departments.

Sir,

I have the honor to acknowledge receipt of Proceedings of Government Order No. 5590-92 Rev. 778 dated 21st December 1897 on the subject of assessing a Katte called Shambhankatte originally representing "Pot Kharab" out of Survey No. 18 of the Kalale village Nagasi Taluk but now made into a new Survey No. 198 measuring 5 acres and 19 guntas.

2. With all deference I beg to state that in arguing in Kanarese letter No. 5362 of the 2nd November 1897, that the Katte should not

not be assessed I did not put forward any argument that the maintenance of the katte was desirable. What I stated was that there was assessed wet land below the katte and that the Rules regarding — cultivation of tank beds — militated against the proposal to assess the land.

3. The Deputy Commissioner apparently sanctioned (on 16th March 1888) the grant of the katte on certain conditions to Arudwangasette but afterwards this sanction was rescinded, hence the petition.

4. Matters having gone so far as they did and the katte having apparently been entirely

5 Even the Sub Division Officer who inspected the disputed land and made his report on the 15th December 1896 and took quite a different view of the case from Mr. Rajavachariar who reported on 23rd February 1894 states that the lands in the valley below the Katte benefit by percolation. I fail to see what benefit to Government, or to any one but Muduvangasette was to accrue from giving out the Katte for cultivation as, from an agricultural point of view, I doubt the land in its bed being of very much value.

I have the honor to be
Sir
Your most obedient servant

A. Grant
"
Supt. Mysore Rev. Survey.

entirely dismantled, I can see a great harm in the latte being now assessed, but I certainly think that the application of Kudukuangasette was one which should not in the first instance have been entertained. The land assessed at Rs. 34 was in the "Aftchkat" of the latte and the area concerned (Mukkal) was 9 acres and 12 guntas, will I presume have to be assessed at dry rates. I do not know whether Survey Nos. 15, 18, 21 and 22 which contain wet land assessed as irrigable by the latte were present unoccupied but whether they are or not I think they should now be assessed at dry rates.

46 (18) The Govt

L.R. 91-94-11

Proceedings of the Govt of Mysore

Read again

Govt Proc: no 5590-92
B-778
dated 21st December 1897,
passing orders on the
appeal of Muddaranga
Setti of Nagadi, against
the order of the Dy Comr, Bang.
Mysuring
dated 1st
~~accepting the~~
~~exemption of site~~ in the
bed of the Shambanakere
tank, Kalari village, Nagar
Taluk, on the ground that
the said lands should be
maintained

Read:-

2. Letter no 561 dated
22nd February 1898, from
the Superintendent and
of Rev. Survey in Mysore,
submitting his opinion
on the subject of assessing
the kattle in question and
praying it may be fixed for enhancement

Order-Memo:

The kattle is gone
out

(247)

P. 96-11-2
Rs 97-11-0 9/1/98

Draft 5-4-98

out of existence and the water which was finding its way into it now enters the Kalyani the lands depending upon the old tank should now be irrigated from the Kalyani. If this is possible the bed of the old tank may be assessed and given out for cultivation.

2. Govt regret to observe that the local action was hasty and ill considered. The tank ought not to have been interfered with except under proper authority

for Secretary

29.3.95

C2

To: 1. The Dy. Comr. Bangalore.

2. The Supdt of Rev. Survey.

3. The Chief Engineer.